

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Lauren Resnick
Marc E. Hirschfield

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ANDREW H. MADOFF, individually and as
Executor of the Estate of Mark D. Madoff,
ESTATE OF MARK D. MADOFF, SUSAN
ELKIN, STEPHANIE S. MACK, and DEBORAH
MADOFF,

Defendants.

Adv. Pro. No. 09-1503 (SMB)

**STIPULATION FOR VOLUNTARY DISMISSAL
OF DEFENDANT SUSAN ELKIN WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, and defendants Andrew H. Madoff, the Estate of Mark D. Madoff, Susan Elkin, Stephanie S. Mack, and Deborah Madoff (together the “Defendants,” and collectively with the Trustee, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree to the following:

1. On May 4, 2012, the Trustee filed and served the Second Amended Complaint against the Defendants in the above-captioned proceeding (the “Adversary Proceeding”). On July 2, 2012, Susan Elkin filed an answer to the Second Amended Complaint.

2. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(A)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims in the Adversary Proceeding against Susan Elkin. Nothing herein shall affect the Trustee’s claims in the Adversary Proceeding against any defendant other than Susan Elkin, and the Trustee hereby preserves all his rights and claims against any defendant other than Susan Elkin. Upon the dismissal of Susan Elkin, the caption of the Adversary Proceeding is hereby amended to delete Susan Elkin from the caption. The amended caption of the Adversary Proceeding shall appear as indicated in Exhibit A hereto.

3. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

Dated: March 26, 2014

BAKER & HOSTETLER LLP

By: /s/ David J. Sheehan
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Lauren Resnick
Email: lresnick@bakerlaw.com
Marc E. Hirschfield
Email: mhirschfield@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L.
Madoff*

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP

By: /s/ Andrew Ehrlich
1285 Avenue of the Americas
New York, New York 10019-6064
Telephone: 212.373-3191
Facsimile: 212.492-0191
Martin Flumenbaum
Email: mflumenbaum@paulweiss.com
Andrew Ehrlich
Email: aehrlich@paulweiss.com

*Attorneys for Defendant Andrew H. Madoff
and the Estate of Mark D. Madoff*

COHEN & GRESSER LLP

By: /s/ Daniel H. Tabak
800 Third Avenue
New York, New York 10022
Telephone: 212.957.7600
Facsimile: 212.957.4514
Mark S. Cohen
Email: mcohen@cohengresser.com
Daniel H. Tabak
Email: dtabak@cohengresser.com

Attorneys for Defendant Deborah Madoff

COOLEY LLP

By: /s/ Laura Grossfield Birger
1114 Avenue of the Americas
New York, New York 10036
Telephone: 212.479.6000
Facsimile: 212.479.6275
Alan Levine
Email: alevine@cooley.com
Laura Grossfield Birger
Email: lbirger@cooley.com

Attorneys for Defendant Stephanie S. Mack

DAY PITNEY LLP
By: /s/ Thomas D. Goldberg
One Canterbury Green
201 Broad Street
Stamford, CT 06901
Telephone: 203.977.7383
Facsimile: 203.399.5882
Thomas D. Goldberg
Email: tgoldberg@daypitney.com

Attorneys for Susan Elkin